

REMARKS

Reconsideration of the objection and the rejections set forth in the Office Action dated April 4, 2006, is respectfully requested. The Examiner rejected claims 14-33. Applicant has canceled claims 14-33 and has added new claims 34-53. Accordingly, claims 34-53 remain pending in the application. No new matter has been added by these amendments as can be confirmed by the Examiner.

A. Examiner Interview

Applicant wishes to thank the Examiner for the courtesy extended in the interview of July 18, 2006.

B. The Cited Prior Art References Do Not Disclose or Suggest Combining Predetermined Content, an Interface Provider Identification Code, and a Dynamically-Generated User Identification Code to Form a Data Interface, Providing the Data Interface to a User System, and Receiving a Request for Selected Content that is Formed by Combining the Interface Provider Identification Code and the User Identification Code as Recited in Claims 34-53.

In the Office Action, the Examiner rejected claims 14-21 and 23-33 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Angles et al., United States Patent No. 5,933,811, in view of Gerace, United States Patent No. 5,848,396, in further view of Messer et al., United States Application Publication No. 2004/0230491. The Examiner likewise rejected claims 21, 22, and 29 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Angles et al., in view of Gerace, in further view of Messer et al., in still further view of Herz et al., United States Application Publication No. 2001/0014868. Applicant respectfully submits, however that, by failing to disclose each and every element of new independent claims 34, 47, and 48, neither Angles et al., Gerace, nor Messer et al., either individually or in combination, anticipates nor renders obvious new claims 34-53. Therefore, it is submitted that new claims 34-53 are in condition for allowance.

In view of the Examiner's Response to Argument beginning on page 20 of the Office Action, new independent claims 34, 47, and 48 more affirmatively recite a data interface that is formed by combining predetermined content, such as advertising content, with a unique interface provider identification code and a unique user identification code, which is dynamically generated when the data interface is provided to a user system. In other words, the data interface is set forth as comprising the content itself. The data authentication system of claim 47 further recites that the user identification code, in addition to being dynamically generated, is encrypted and expires in accordance with a predetermined criteria. Claims 34, 47, and 48 also more affirmatively set forth that the request for selected content is formed by combining the interface provider identification code and the user identification code. The claimed data authentication system and method thereby receive both the interface provider identification code and the user identification code upon the request for the selected content from the user system.

The Examiner relies solely on Angles et al. at col. 19, lines 1-11 in support of the assertion that "Angles further discloses creating of a confirmation code comprises dynamically generating the first user code and combining the first user code and advertiser code." See April 4, 2006, Office Action at p. 12. The relevant passage of Angles provides:

The consumer's computer then merges and displays the electronic page 32 and the customized advertisement 30 to the consumer. In addition, during event F, the advertisement provider computer 18 stores the advertising audit information which specifies which advertisement was sent to the consumer computer 12, which consumer computer 12 received the advertisement, which consumer viewed the advertisement and which Internet provider 34, if any, provided Internet 33 access to the consumer computer 12. As discussed above, this information is stored to the accounting database 72.

Angles et al. at col. 19, lines 1-11.

Applicant respectfully submits that the only reference to a "combining"-type function in the cited passage of Angles et al. appears in the first sentence. According to Angles et al., the merging function is performed by the consumer (or user) computer, and the consumer (or user) computer merges the electronic page 32 and the customized advertisement 30 to the consumer for presentation to the consumer (or user). In contrast to the disclosure of Angles et al., the claimed data authentication system and method of claims 34, 47, and 48 set forth that the combining function is performed by the content provider system (or the interface provider system), rather than the user system. Further, the claimed data authentication system and method combine the predetermined content, the unique interface provider identification code, and the unique user identification code to form the data interface instead of "merg[ing] the electronic page 32 and the customized advertisement 30 [for display] to the consumer."

Claims 34, 47, and 48 likewise recite that the user system combines the interface provider identification code and the user identification code to generate the request for the selected content. Unlike the merging function taught by Angles et al., the interface provider identification code and the user identification code are not set forth as being combined for presentation to the consumer (or user). Instead, the claimed combination of the interface provider identification code and the user identification code to generate the request for the selected content, which request is provided to the content provider system (or the interface provider system) for authentication. Therefore, Angles does not disclose or suggest combining the predetermined content, the interface provider identification code, and the user identification code in the manner set forth in claims 34, 47, and 48.

The Examiner does not allege that Gerace or Messer et al. teaches the "combining the first user code and advertiser code." Further, the Examiner does not assert that any prior art reference, either individually or in combination, as disclosing the

claimed combining of the interface provider identification code and the user identification code with the predetermined content as set forth in new independent claims 34, 47, and 48. Applicant therefore submits that neither Angles et al., Gerace, nor Messer et al. discloses or suggests the claimed data authentication system and method, which combines the predetermined content, the unique interface provider identification code, and the unique user identification code to form the data interface.

At least one recited element of new claims 34, 47, and 48 therefore is totally missing from the cited prior art references. In accordance with M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). The disclosure of a claim element in a prior art reference, when relied upon to negate patentability, must also be clear and unambiguous. Further, “[t]he identical invention must be shown in as complete detail as contained in the...claim.” *Richardson v. Suzuki Motor Corp.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, and uniquely important in this case is the requirement that the elements relied on in the prior art reference must be arranged as required by the claim. See *In re Bonds*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Accordingly, since each of the cited prior art references fails to disclose each and every element of independent claims 34, 47, and 48, new claims 34-53 are not anticipated. Applicant therefore submits that claims 34-53 are in condition for allowance.

C. No Motivation Exists to Modify the Teachings of the Cited Prior Art References in a Manner that Precludes Patentability of Claims 34-53 Under 35 U.S.C. § 103(a).

In accordance with M.P.E.P. § 2142, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. “To establish a *prima facie* case of

obviousness, three basic criteria must be met.” (M.P.E.P. § 2143.) First, some suggestion or motivation in the prior art references or in the knowledge of one of ordinary skill in the relevant art must exist to modify or combine the references. Second, if the references are combined, a reasonable expectation of success must be shown. Then, finally, all of the claim limitations must be taught or suggested by one reference or a combination of references. To establish a *prima facie* case of obviousness based on a single reference that does not teach all the elements of a claim, the Examiner must provide a rationale for modifying the teachings of the reference. See *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000), *citing*, *B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996).

As discussed above, at least one recited element of claims 34-53 is totally missing from Angles et al., Gerace, and Messer et al. Further, the Examiner does not assert that any teaching or motivation exists in the prior art to modify any of these reference, individually or in combination, such that claims 34-53 are rendered obvious. The Examiner therefore has not established a *prima facie* case under 35 U.S.C. § 103 because, as shown above, all of the elements of the pending claims are not found in the cited reference.

According, it is submitted that none of the cited prior art references, either individually or in combination, render claims 34-53 obvious. Applicant therefore asserts that claims 34-53 are in condition for allowance.

For at least the reasons set forth above, it is submitted that claims 34-53 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

Dated: August 15, 2006

By: Davin M. Stockwell  
Davin M. Stockwell  
Reg. No. 41,334  
Attorneys for Applicant

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, California 92614-2558  
Telephone: (949) 567-6700  
Facsimile: (949) 567-6710